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**Pro hac vice pending*

Attorneys for Petitioners

**DISTRICT COURT OF THE STATE OF IDAHO
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY**

JERRY D. BINGHAM and VALERIE H.
BINGHAM,

Petitioners,

vs.

IDAHO DEPARTMENT OF WATER
RESOURCES,

Respondent.

Case No. CV06-26-1801

**MOTION TO STAY ENFORCEMENT
OF RESPONDENT'S FINAL ORDER
PENDING JUDICIAL REVIEW**

[ORAL ARGUMENT REQUESTED]

Petitioners Jerry and Valerie Bingham hereby move the Court to issue an order staying Respondent Idaho Department of Water Resources' *Order Revising April 2026 Forecast Supply and Continuing May 14, 2026 Curtailment Order*, Docket No. CM-DC-2010-001 (July 21, 2026), pending completion of judicial review of the concurrently filed petition for review, as applied to the following water rights owned by Petitioners: September 5, 1950 (35-2183D), August 9, 1951 (35-2202B), November 9, 1951 (35-2205E), October 9, 1952 (35-2266), and October 23, 1952 (35-2269G). Petitioners seek this relief pursuant to Idaho Rule of Civil Procedure 84(m) and (o), and Idaho Code § 67–5274. This Motion is supported by the Memorandum in Support of Motion to Stay, the Declarations of Reed W. Larsen, Jerry D. Bingham, and R. Jeffrey Davis, filed concurrently herewith, as well as the records within Respondent's files.

As grounds for this Motion, Petitioners state that (1) they are likely to succeed on their challenge to Respondent's *Curtailment Order* because it is inconsistent with the Idaho law of prior appropriation, (2) a stay is necessary to prevent immediate, irreparable harm to Petitioners' vested water rights and other legally protected interests, and (3) granting the stay will maintain the status quo without causing substantial harm to Respondent, to other water users, or to the public interest.

Because of the significance of the legal issues raised by the petition for review and the motion for stay, and the grave practical impacts to Petitioners of the Court's decision on the motion to stay, Petitioners respectfully request that the Court hear oral argument on the motion.

DATED: September 15, 2026.

Respectfully submitted,

Reed W. Larsen
Bradley R. Cahoon
Damien M. Schiff

/s/ Reed W. Larsen
Reed W. Larsen

Counsel for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of September, 2026, I caused a true and correct copy of the foregoing MOTION TO STAY ENFORCEMENT OF RESPONDENT'S FINAL ORDER PENDING JUDICIAL REVIEW to be served upon the following individuals by the designated method:

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/s/ Reed W. Larsen _____
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